

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 JAMES IIAMS,

7 Plaintiff,

8 v.

9 LAS VEGAS METROPOLITAN POLICE
10 DEPARTMENT, et al.,

11 Defendants.

Case No. 2:18-cv-00231-RFB-DJA

ORDER

12 This matter is before the Court on Plaintiff's Motion to Substitute Stephen Stubbs in His
13 Capacity as Special Administrator of the Estate of James Alan Iiams (ECF No. 116), filed on
14 August 16, 2021. To date, no response has been filed. Accordingly, Defendant's failure to file
15 points and authorities in response to the Motion "constitutes a consent to the granting of the
16 motion." Local Rule 7-2(d). The Court also reviewed the Motion and finds good cause to permit
17 the substitution and amendment.

18 Rule 15(a)(2) of the Federal Rules of Civil Procedure, regarding the amendment of
19 pleadings, directs that "[t]he court should freely give leave when justice so requires." The Ninth
20 Circuit Court of Appeals has repeatedly cautioned courts in this circuit to "liberally allow a party
21 to amend its pleading." *Sonoma Cnty. Ass'n of Ret. Emps. v. Sonoma Cnty.*, 708 F.3d 1109, 1117
22 (9th Cir. 2013). "Courts may decline to grant leave to amend only if there is strong evidence of
23 'undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure
24 deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue
25 of allowance of the amendment, or futility of amendment, etc.'" *Id.* at 1117 (*quoting Foman v.*
26 *Davis*, 371 U.S. 178, 182 (1962)).
27
28

1 Plaintiff James Alan Iiams died on June 8, 2021. Stephen Stubbs was appointed to be the
2 Special Administrator of his estate on July 22, 2021 and now seeks to be substituted in his
3 capacity as Special Administrator of the Estate of James Alan Iiams as the Plaintiff. Stubbs
4 provided sufficient evidence of Iiams' death and his right to act as Special Administrator.
5 Accordingly, the Court finds the substitution to be warranted under these circumstances.

6 **IT IS THEREFORE ORDERED** that Plaintiff's Motion to Substitute Stephen Stubbs in
7 His Capacity as Special Administrator (ECF No. 116) is **granted**. The Clerk of the Court shall
8 correct the docket to reflect the Estate of James Alan Iiams, by and through Special Administrator
9 Stephen Stubbs is now the Plaintiff.

10
11 DATED: September 8, 2021



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE